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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:17-CV-344-JAD-(CWH)
)	
Plaintiff,)	
v.)	United States' Unopposed Application To
)	Continue CAFRA Deadline
\$417,073.00 IN UNITED STATES)	
CURRENCY seized from the premises of)	(Sixth Request)
2656 North Ontario Street, Las Vegas)	
Nevada;)	
)	
\$28,230.05 IN UNITED STATES)	
CURRENCY seized from J.P. Morgan)	
Chase Account No. xxxxxxxx2849;)	
)	
\$21,146.37 in UNITED STATES)	
CURRENCY seized from J.P. Morgan)	
Chase Bank Account No. xxxxxx5561;)	
)	
Defendants.)	

COMES NOW the United States of America and moves this Court to extend the CAFRA (Civil Asset Forfeiture Reform Act) deadline for the Government to file its forfeiture complaint, *in rem*, for 36 days, or until December 17, 2017. The current CAFRA deadline for the Government to file its complaint is November 11, 2017.

This is the Government's Sixth request for an extension of the CAFRA deadline. Previously, this Court granted a 90-day continuance until February 7, 2017. The parties have

1 agreed to previous extensions of time as they fastidiously attempt to resolve their differences
2 regarding this seizure of nearly one-half million dollars in monetary assets. This iteration of a
3 continuance motion is based upon the Government's actions to procure records from a Nevada
4 state agency (the Department of Employment, Training and Rehabilitation). The Government
5 has already served a subpoena on DETR for these records and a return on that subpoena is
6 expected sometime during the week of November 6th.

7 This motion is unopposed by Claimants' Counsel.

8 Pursuant to 18 U.S.C. 983 (a)(2)(E), the United States has 90 days to file a civil
9 complaint, if an interested party files a timely administrative claim with the seizing agency. In
10 this case, Customs and Border Patrol seized the above referenced defendants on August 17,
11 2016; and the claimants, Zalmai and Sona Basharyar, filed administrative claims with the
12 Department of Homeland Security (United States Customs and Border Patrol) on November 10,
13 2016. As such, the United States was obliged to file its civil complaint in this case by February
14 10, 2017. In an uncontested motion filed on February 3, 2017, the United States requested an
15 additional sixty (60) days to file a civil forfeiture complaint in this case because it (the United
16 States) was still in the process of determining whether there was/is sufficient evidence to file
17 such a complaint. The United States was (and still is) gathering and analyzing evidence,
18 specifically bank and tax records (and now Nevada state employment agency records) to
19 determine whether it can meet the burden of the preponderance of evidence necessary to file a
20 complaint.

21 Since this Court granted the most recent continuance motion, on October 12, 2017, the
22 Government has recently subpoenaed additional records from the Nevada Department of
23 Employment, Training and Rehabilitation. These records will be analyzed to determine the
24 accuracy and authenticity of the Claimant's assertion about the source of his income.
25 Verification and analysis of the records will facilitate the settlement discussions one way or the
26 other regarding the extent to which the seized funds can be traced to legitimate (or illegitimate)

1 sources. Once the Department of Homeland Security has received these records, its agents and
2 financial analysts will need an additional few weeks to analyze them and then present their
3 findings and conclusions to the United States Attorney for litigation evaluation.

4 Accordingly, the United States requests an additional 36 days (or until December 17,
5 2017) to complete its financial analysis and determine whether to file a complaint in this matter.

6 Counsel for the Government has consulted with the Claimants' counsel, Gabriel Grasso,
7 and he has authorized Government counsel to represent to this Court that he does not object to
8 this motion.

9 This motion is not submitted solely for the purpose to delay or for any other improper
10 purpose.

11 WHEREFORE, for all of the reasons stated above, the United States moves this Court to
12 continue the CAFRA deadline thirty-six (36) days or until December 17, 2017.

13 Dated: November 1, 2017

14
15 STEVEN W. MYHRE
Acting United States Attorney

16
17 /s/ Michael A. Humphreys
18 MICHAEL A. HUMPHREYS
Assistant United States Attorney

19 IT IS SO ORDERED:

20 DATED: November 2, 2017
21 _____

22
23 
24 _____
UNITED STATES MAGISTRATE JUDGE